

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 25, 2024**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Samantha Marie Tainewasher

Case Number: 0980 1:21CR02029-SAB-1

Address of Offender: [REDACTED] Wapato, Washington 98951

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: May 28, 2024

Original Offense: Ct. 1: Crime on Indian Reservation Involuntary Manslaughter, 18 U.S.C. §§ 1112 and 1153
Ct. 2: Use of a Communications Facility in the Commission of a Drug Felony, 21 U.S.C. §§ 843(b), (d)(1), and 2

Original Sentence: Prison - Credit for Time Served (8 days) Type of Supervision: Supervised Release
Supervised Release - 36 months

Asst. U.S. Attorney: Michael Ellis

Date Supervision Commenced: May 28, 2024

Defense Attorney: William Miles Pope

Date Supervision Expires: May 27, 2027

PETITIONING THE COURT

To issue a warrant.

Ms. Tainewasher's supervised release conditions were reviewed with her on June 5, 2024. The offender signed her conditions of supervision, acknowledging an understanding.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Special Condition #3: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Ms. Tainewasher is alleged to be in violation of her conditions of supervised release by consuming cocaine on or about September 10, 2024.

On September 10, 2024, Ms. Tainewasher reported to Merit Resource Services (Merit) for a random drug test. The urine sample tested presumptive positive for cocaine. The sample was sent to Abbott Laboratory for confirmation. Results were received on September 16, 2024, confirming a positive reading for cocaine.

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- 2 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Ms. Tainewasher is alleged to be in violation of her conditions of supervised release by consuming cocaine on or about September 17, 2024.

On September 17, 2024, Ms. Tainewasher reported to the probation office. She submitted to a random drug test, which tested presumptive positive for cocaine. The sample was sent to Abbott Laboratory for confirmation. Results were received on September 22, 2024, confirming a positive reading for cocaine.

- 3 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Ms. Tainewasher is alleged to be in violation of her conditions of supervised release by consuming marijuana on or about September 8, 2024.

On September 17, 2024, Ms. Tainewasher reported to the probation office. She admitted to consuming marijuana on or before September 8, 2024. Ms. Tainewasher signed a drug use admission form.

- 4 **Special Condition #2:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Ms. Tainewasher is alleged to be in violation of her conditions of supervised release by failing to attend a scheduled appointment with her substance use disorder counselor on September 23, 2024, at Merit Resource Services (Merit).

On September 23, 2024, this officer received a telephone call from Ms. Tainewasher's substance use disorder counselor at Merit advising she failed to show or call for her individual session scheduled on September 23, at 11 a.m. According to the counselor, she attempted to reach out to Ms. Tainewasher several times without a response.

- 5 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Ms. Tainewasher is alleged to be in violation of her conditions of supervised release by consuming methamphetamine on or about September 23, 2024.

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On September 24, 2024, this officer made telephone contact with Ms. Tainewasher based on the above-noted violations. Ms. Tainewasher verbally admitted she consumed methamphetamine on September 23, 2024.

6 **Mandatory Condition #1:** You must not commit another federal, state or local crime.

Supporting Evidence: Ms. Tainewasher is alleged to be in violation of her conditions of supervised release by being charged with the following: Revised Yakama Code (R.Y.C) 50.21.03 (DUI/ Physical Control), R.Y.C. 50.03.03 (Driving without a Valid Operator's License), R.Y.C. 50.21.01 (Reckless Driving), R.Y.C 50.21.11 (Operating Motor Vehicle in A Negligent and Reckless Manor. Driving in a School Zone), and R.Y.C. 10.01.135 (Recklessly Endangering Another Person) two counts, on September 3, 2024.

On September 24, 2024, this officer reviewed incident report number 24-005885, received from the Yakama Nation Police Department. According to the report, on September 3, 2024, at approximately 6:25 a.m. officers responded to a motor vehicle accident involving Ms. Tainewasher. Per the report, Ms. Tainewasher was intoxicated and struck the victim, who was operating an orange Kubota tractor while at work, which ended up submerged halfway into a canal. According to officers, upon contacting Ms. Tainewasher, they could smell intoxicants coming from her person. Per the report, Ms. Tainewasher stated she had looked down at a text message and when she looked up, she ran into the back of the Kubota tractor. Officers asked her if she saw the hazard lights displayed on the tractor and she stated, "no." Per the report, the officer "observed Samantha to have blood shot watery eyes, with a hue of yellow in the whites of her eyes. While assisting Samantha to the back of my patrol vehicle, I smelt a faint odor of intoxicants once again." According to the report, the officer asked Ms. Tainewasher if she would submit to a Portable Breathalyzer Test (PBT). Per the officer's statement, "Samantha sat straight up from being hunched over and gave me a side-eye look and stated, 'no'".

According to a witness statement "the other tractor operators all had their hazard lights on and were operating on the shoulder of the road traveling northbound on Lateral A Road". The witness stated he observed Ms. Tainewasher in the Silverado approaching them "at a high rate of speed and cut in between the tractor operators" initially, striking the victim's tractor on the drive's side. The witness stated Ms. Tainewasher then "swerved in and out of the lane before rear ending the victim's tractor and ejecting the victim". The witness stated Ms. Tainewasher was traveling at a speed of more than 60 miles per hour (MPH).

Additionally, per the incident report, a tribal officer "asked Samantha to take a deep breath and blow out hard. While Samantha was blowing out her breath, I could smell a strong odor of intoxicants emanating from her breath. I asked Samantha if she had been drinking. Samantha stated 'Yes' two hours ago. I asked Samantha how many intoxicating beverages she had to drink. Samantha stated 'two.'"

7 **Special Condition #4:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Ms. Tainewasher is alleged to be in violation of her conditions of release by consuming alcohol on or before September 3, 2024.

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See violation number 6.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear and answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/24/2024

s/Linda J. Leavitt

Linda J. Leavitt
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

9/25/2024

Date